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AN ACT

PROVIDING A

PERMANENT FORM OF GOVERNMENT

FOR THE

DISTRICT OF COLUMBIA.

WASHINGTON, D. C.:

PRINTED BY JUDD & DETWEILER.

1882.

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INDEX.

A.

	Page.	Sec.	Par.
Accounts settled in Treasury Department -----	13	4	3
Advertising for proposals -----	13	5	1
Agricultural lands, rate of taxation on -----	12	3	20
Appointed, two civil Commissioners -----	7	2	1
Appropriations by Congress, payment one-half of estimates -----	11, 12	3	16, 17
Assessors' duties prescribed by Commissioners -----	13	4	1
Assessments, how made and equalized -----	12	3	18

B.

Board of Health abolished -----	17	8	-
Metropolitan Police abolished -----	17	6	1
Trustees of Public Schools abolished -----	17	6	1
Appointed -----	17	6	2
Sinking-Fund Commissioners abolished -----	17	7	-
Bonds of Contractors, how approved -----	14	5	8
for execution of contracts -----	15	5	8
to keep work in repair for five years -----	15	5	9
3.65, interest, how paid -----	13	4	4

C.

Clerks to Health-Officer, number, and how appointed -----	18	10	-
to be fixed by Commissioners, salaries of -----	19	11	3
Collector of Taxes, duties prescribed by Commissioners -----	13	4	1
to give notice of payment -----	12	3	21
Commissioners Dist. of Col., present, cease -----	9	3	1
how, civil, appointed -----	7	2	1
officer detailed -----	8	2	3
civil, residents of District -----	8	2	4
take oath of office -----	8	2	6
civil, give bonds -----	8	2	7
detailed -----	8	2	3
civil, term of office of -----	8	2	8
shall choose president -----	8	2	5
disqualified as bondsmen -----	9	2	9
taxes and revenues applied to current expenses by -----	9	3	2
taxes and revenues applied to support of public schools by -----	9	3	2
taxes and revenues applied to support of Fire Department by -----	9	3	2
shall take possession of public property, offices, books, &c. -----	9	3	2

	Page.	Sec.	Par.
Commissioners of Dist. of Col., power to make contracts limited to contracts authorized by law and approved by Congress-----	9	3	3
contracts for public works require assent of all-----	14	5	5
shall locate hack-stands-----	9	3	4
shall collect all lawful taxes-----	10	3	6
shall not anticipate taxcs-----	10	3	7
may make loan for current year-----	10	3	8
powers as to officers and employees-----	10	3	9
maintain lamps beyond city limits-----	10	3	10
itemized estimates made by-----	11	3	13
submit estimates to Secretary of Treasury-----	11	3	12
transmit their estimates and estimates of Secretary to Congress-----	11	3	15
prescribe time of payment of taxes-----	13	4	1
prescribe duties of Assessors-----	13	4	1
prescribe duties of Collector of Taxes-----	13	4	1
certify vouchers-----	13	4	2
accounts settled by Treasury Department-----	13	4	3
advertise for construction and repair of public works-----	13	5	1
may reject all proposals-----	14	5	3
sign and record contracts-----	14	5	6
approve contractor's bonds-----	14	5	8
draw warrants for costs of public works-----	15	5	14
to issue certificates of indebtedness against street railroads, when-----	16	5	16
costs not paid by street railroad, property sold-----	16	5	17
see that water aud gas-mains and pipes are laid, when-----	16	5	19
appoint Trustees of Public Schools-----	17	6	2
appoint Health-Officer-----	18	8	-
prescribe duty of Health-Officer-----	18	8	-
appoint sanitary inspectors-----	18	9	1
appoint clerks for Health-Officer-----	18	10	-
adjust salaries of clerks for Health-Officer-----	19	11	3
report draft of laws to Congress-----	19	12	1
report annually their doings to Congress-----	19	12	2
Compensation of Civil Commissioners-----	8	2	7
Health-Officer-----	18	11	1
Sanitary Inspectors-----	19	11	2
Clerks of Health-Officer-----	19	11	3
Contracts, proposals for, how advertised-----	13, 14	5	1
shall cover entire work, when-----	14	5	4
require unanimous assent of Commissioners-----	14	5	5
must be signed and recorded-----	14	5	6
invalid unless signed and recorded-----	14	5	6

	Page	Sec.	Par.
Corporation, District of Columbia, remain a municipal-	7	1	3
Cost of construction and repairs of public works adver-			
tised -----	13	5	1
of proposed public works -----	11	3	13
of public institutions -----	11	3	13
D.			
District of Columbia a municipal corporation -----	7	1	3
how governed -----	7	1	2
Drainage -----	18	9	1
E.			
Engineer Officer detailed as one Commissioner -----	7	2	1
two detailed subordinate to Military Commissioner	17	5	21
Estimates, itemized, made by Commissioners -----	11	3	13
approved by Secretary of Treasury -----	11	3	15
approved by Congress -----	11	3	16
one-half paid by United States -----	11	3	16
one-half paid by District -----	12	3	17
F.			
Fire Department supported by Commissioners -----	9	3	2
G.			
Gas-Light Company, Washington -----	17	5	20
to lay their mains and pipes -----	17	5	20
Gas-mains and pipes laid, when and how -----	16	5	19
H.			
Hack-stands established by Commissioners -----	9	3	4
penalty for violating orders in reference to, and			
how enforced -----	10	3	5
Health, Board of, abolished -----	18	8	-
Officer appointed -----	18	8	-
qualification and duties of -----	18	8	-
duties of, prescribed by Commissioners -----	18	8	-
shall have control of Sanitary Inspectors -----	18	9	1
control clerks of -----	18	10	-
shall make annual report to Commissioners -----	18	9	3
I.			
Inspectors, Sanitary, appointed by Commissioners -----	18	9	1
number, qualification, duties -----	18	9	1
shall make reports semi-monthly to Health-Officer	18	9	2
Interest on taxes, rate of -----	12	3	23

L.

	Page.	Sec.	Par.
Laws now existing in force in District -----	7	1	2
shall be drafted by Commissioners for Congress-----	19	12	1
Lamps and lights maintained beyond city limits -----	10	3	10
Liens of taxes enforced, how-----	12	3	18

O.

Oath of office of Commissioners -----	8	2	6
Officer, Engineer, detailed as Commissioner -----	7	2	1
two assistant, for Military Commissioner -----	17	5	21
Official term of Civil Commissioners-----	8	2	8
Officers of District disqualified as bondsmen-----	9	2	9
Offices may be consolidated or abolished-----	10	3	9

P.

Penalties for violation of Rules for hack-stands-----	10	3	5
increasing debt of District -----	19	13	2
are saved to the District -----	10	3	11
President of United States to detail Military Commissioner -----	7	2	1
Engineer's subordinates -----	17	5	21
appoint Civil Commissioners -----	7	2	1
Police Commissioners abolished-----	17	6	1
department supported by Commissioners-----	9	3	2
Property sold for taxes-----	12	3	18
redeemed when sold-----	12	3	18
rate of taxes on, when in cities -----	12	3	19
agricultural-----	12	3	20
Publie works, bond to keep in repair-----	15	5	9
cost of, how paid-----	15	5	11
proposals for, to be advertised -----	13	5	1
warrants for payments for, drawn by Commissioners -----	15	5	14
proposals for construction and repairs of, to be advertised -----	13	5	1
when to be advertised in Washington-----	13	5	1
when to be advertised elsewhere -----	13	5	1
of lowest bidder for, to be accepted -----	14	5	2
proposals for, may be disregarded by Commissioners -----	14	5	3
when proposals for, to be done under one contract only -----	14	5	4
all contracts for, to be assented to by all Commissioners -----	14	5	5
contracts for, to be signed and recorded -----	14	5	6
invalid, unless signed and recorded -----	14	5	6

	Page.	Sec.	Par.
Public works, work and material for, to be of best known kind -----	14	5	7
ten per cent. of cost of, retained to secure repairs-----	15	5	10
cost of, how paid-----	15	5	11-14
shall continue under control of United States, when -----	11	3	14
water and gas-mains and pipes, when to be laid-----	16	5	19

R.

Redemption of property sold for taxes -----	12	3	18
Report estimates to Congress, Commissioners to ----- annually to Congress, Commissioners -----	11	3	15
Health-Officer to, to Commissioners -----	19	12	2
of Sanitary Inspectors to Health-Officer-----	18	9	3
Revenue shall be applied to current expenses -----	18	9	2
Revenue shall be applied to current expenses -----	9	3	2

S.

Sanitary Inspectors appointed, number, qualification, and duties -----	18	9	1
shall make reports-----	18	9	2
Secretary of Treasury shall receive estimates of Com- missioners -----	11	3	12
shall revise estimates, and return to Com- missioners -----	11	3	15
shall pay interest on 3.65 bonds on warrant of Commissioners-----	13	4	4
Sewers, cost of construction and repairs of -----	13, 14	5	1-3
Street railway companies pave their tracks, &c----- neglecting to pave tracks, done by District----- refuse to pay costs, Commissioners issue certifi- cates of indebtedness against property-----	15	5	11
certificates not paid, property sold ----- may use cobble-stone or Belgian block, as Com- missioners may direct-----	16	5	15
Schools, Public, supported by Commissioners ----- property, act in reference to, construed and ap- plied -----	16	5	16
Suits pending not to abate-----	19, 20	14	1-3
Suits pending not to abate-----	10	3	11

T.

Taxes, how applied-----	9	3	2
to be collected-----	10	3	6
not to be anticipated-----	10	3	7
assessed and collected, how-----	12	3	18
rate of, on property in cities-----	12	3	19

	Page.	Sec.	Par.
Taxes, agricultural property-----	12	3	20
property sold for delinquent-----	12	3	18
how redeemed-----	12	3	18
enforcement of liens for-----	12	3	18
if paid in 30 days, deduction made-----	12	3	22
interest on, under act of March 3, 1877-----	12	3	23
under act of March 3, 1877, paid, when-----	12	3	23
time for payment of, fixed by Commissioners-----	13	4	1
on personal property in the District not taxed elsewhere-----	12	3	19
what, and how assessed, on agricultural lands-----	12	3	20
paid by District into Treasury of the United States-----	13	4	2
disbursed on itemized vouchers-----	13	4	2
school property exempt from-----	19, 20	14	1-3
Trustees of Public Schools, number and appointment-----	17	6	2
to serve without compensation-----	17	6	2
Tracks of railroads to conform to grades of streets at crossings-----	16	5	18

V.

Ventilation-----	18	9	1
------------------	----	---	---

W.

Washington Gas-Light Company to lay gas-mains, pipes, &c.-----	17	5	20
Water-mains, pipes, &c., to be laid, when-----	16	5	19

AN ACT

PROVIDING A PERMANENT FORM OF GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

SECTION 1.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia.

Limits of the District of Columbia.

2. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

3. The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation;

A municipal corporation. Commissioners officers of District.

4. And all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

Laws continued in force.

SECTION 2.

1. That within twenty days after the approval of this act, the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia,

Two citizens and officer of engineers appointed and detailed.

Enter on duty
July 1, 1878.

2. And who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners.

Officer detailed
to perform no
other duty.
Receive only
his pay as an
officer.

3. The Commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army.

Qualifications
of persons ap-
pointed.

4. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else.

Commissioners
shall elect a
president.

5. And one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur, thereafter;

Shall take an
oath of office.

6. And said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law;

Compensation
of civil Com-
missioners.

7. And said Commissioners appointed from civil life, shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law.

Give bonds.

8. The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

9. Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia ;

Commissioners and officers disqualified as bail.

10. Nor shall any contractor be accepted as surety for any officer or other contractor in said District.

Contractors disqualified as bail.

SECTION 3.

1. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy-four, shall be transferred to and vested in and imposed upon said Commissioners ; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine ;

Commissioners successors of old Board, whose functions cease July 1. (18th Stats., 116, sec. 2.)

2. And the Commissioners of the District of Columbia shall have power, subject to the limitation and provisions herein contained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid ;

Powers and duties of Commissioners.

3. But said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress.

Limitation of powers to contract.

4. The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require.

Power over hack stands.

Penalty for violating orders in references to hacks.

5. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners.

Lawful taxes to be collected.

6. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided;

Taxes shall not be anticipat-ed.

7. But said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof,

May borrow \$200,000.

8. But they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenue, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year.

Power over of-fices and em-ployees.

9. And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law;

Power to main-tain lamps out of city limits.

10. Said Commissioners shall have power to erect, light, and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary :

All rights under pending suits saved.

11. *Provided*, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia, or the Commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District Commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced, proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation.

12. The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof;

Shall submit estimates to Secretary Treasury.

13. Also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year:

Shall submit estimates for bridges, charities, &c.

14. *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities.

United States retains its present control of public works.

15. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

Sec. Treasury revise estimates.

Commissioners report estimates to Congress.

16. To the extent to which Congress shall approve or said estimates, Congress shall appropriate the amount of fifty per centum thereof;

Congress appropriate one-half.

One-half paid
by taxation.

17. And the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia;

How taxes as-
sessed and
collected.

18. And all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act:

Act March 3,
1877, (19 Stat.,
secs. 5-10.) 1

Rate of taxa-
tion property
in cities.

19. *Provided*, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof:

Rate of agricul-
tural property
in county.

20. *And provided further*, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars.

Collector to
publish no-
tice of pay-
ment of tax-
es.

21. The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes;

Deduction of
tax when
made.

22. And any person who shall, within thirty days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of five per centum on the amount of his tax;

Penalties un-
der act March
3, 1877, sus-
pended.

23. All penalties imposed by the act approved March third, eighteen hundred and seventy-seven, chapter one hundred and seventeen, upon delinquents for default in the payment of taxes levied under said act, at the times

specified therein, shall, upon payment of the said taxes <sup>19th Statutes,
section 5.</sup> assessed against such delinquents within three months from the passage of this act, with interest at the rate of six per cent. thereon, be remitted.

SECTION 4.

1. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto.

May prescribe
duties of as-
sessors and
time of pay-
ment of taxes

2. All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said Commissioners, or a majority of them;

Taxes when
paid and how
disbursed.

3. And the accounts of said Commissioners, and the <sup>All accounts
settled by
Treasury De-
partment.</sup> tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States.

All accounts
settled by
Treasury De-
partment.

4. Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

Secretary
Treasury pay
interest on 3-
65 bonds and
credit amount
to United
States.

SECTION 5.

1. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted <sup>Costs for public
works, re-
pairs, &c.
How adver-
tised.</sup>

in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington, and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done;

Awarded to the
lowest bidder.

2. And the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted :

Commissioners
may reject all
bids.

3. *Provided, however,* That the Commissioners shall have the right, in their discretion, to reject all of such proposals :

Work not to be
subdivided.

4. *Provided,* That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars.

Contracts only
made by the
concurrence
of all the
Commission-
ers.

5. All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District,

Contracts in-
valid unless
recorded.

6. And all contracts shall be copied in a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid.

Best material
and work to
be used.

7. No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner ;

Contracts se-
cured by pe-
nial bonds.

8. And good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of

the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners ;

9. And that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts ;

10. And ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

11. The cost of laying down said pavements, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit : When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair.

12. But the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct ;

13. The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year ;

14. And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia, or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work :

Approved by
Commissioners.

Contractors
keep work in
repair five
years.

How this duty
further se-
cured.

How costs of
public works
paid.

Duty of street
railroad com-
panies.

Commissioners
direct how
tracks be
paved.

United States
pay half of all
costs under
sec. 5, except
that done by
railroad com-
panies.

Paid on war-
rants of Com-
missioners by
Secretary of
Treasury.

District do
work of street
railroad com-
panies, when.

15. That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia;

Commissioners
may issue
certificates of
indebtedness
against their
property, &c.

16. And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company;

Certificates not
paid property
sold.

17. And if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

Duties of rail-
road compa-
nies where
tracks inter-
sect.

18. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

Water and gas
mains and
pipes to be
laid, when.

19. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down;

20. And the Washington Gas Light Company, under the direction of said Commissioners, shall at its own expense take up, lay, and replace all gas-mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct.

Washington
Gas Light
Company to
care for its
mains, &c.

21. The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the Engineer officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

Two subordi-
nate engi-
neers detail-
ed from army.

SECTION 6.

1. That from and after the first day of July, eighteen hundred and seventy-eight, the board of metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

Metropolitan
Police Board
abolished.

Board of Trus-
tees of Public
Schools abol-
ished.

2. And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said Commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

Commissioners
appoint trus-
tees of Public
Schools.

SECTION 7.

That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

Sinking fund
Commissi-
oners abol-
ished,
duties per-
formed by
Treasurer of
U. S.

SECTION 8.

Board Health
succeeded by
health-officer
under control
of Commissioners.

That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health-officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners; and the board of health now existing shall, from the date of the appointment of said health-officer, be abolished.

SECTION 9.

Commissioners
appoint sani-
tary inspec-
tors of Dis-
trict.

Number and
qualification.

Inspectors re-
port, how and
when.

Health-officer
annual report
to Commis-
sioners.

1. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health-officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each;

2. And said inspectors shall be respectively required to make, at least once in two weeks, a report to said health-officer, in writing, of their inspections, which shall be preserved on file;

3. And said health-officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

Clerks of Health
Officer.

That the Commissioners may appoint, on the like recommendation of the health-officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said health-officer, than the public interests demand and the appropriation shall justify.

SECTION 11.

Salary of
Health
officer.

1. That the salary of the health-officer shall be three thousand dollars per annum;

2. And the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each ;

3. And the salary of the clerks and other assistants of the health-officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

SECTION 12.

1. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia ;

Commissioners report to Congress drafts of law.

2. And said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

Report annually their acts in detail.

SECTION 13.

1. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia ;

Present debt of the District not increased.

2. And any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

Penalty for increasing the debt of the District.

SECTION 14.

1. That the term "school-houses" in the act of June seventeenth, eighteen hundred and seventy, chapter thirty, was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain ;

Act of June 17, 1870, construed.

Revised Statutes District Columbia, section 147.

2. And that all taxes heretofore imposed upon such establishments, in the District of Columbia, since the

Taxes remitted on school property.

date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded.

Above act limited.

3. But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

SECTION 15.

Repealing clause.

That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, June 11, 1878.

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